

**THOMAS SUBDIVISION  
FIVE-LOT MINOR SUBDIVISION AND THREE VARIANCE REQUESTS**

**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:** Renee Van Hoven *RV*

**REVIEWED/  
APPROVED BY:** Karen Hughes *KH*

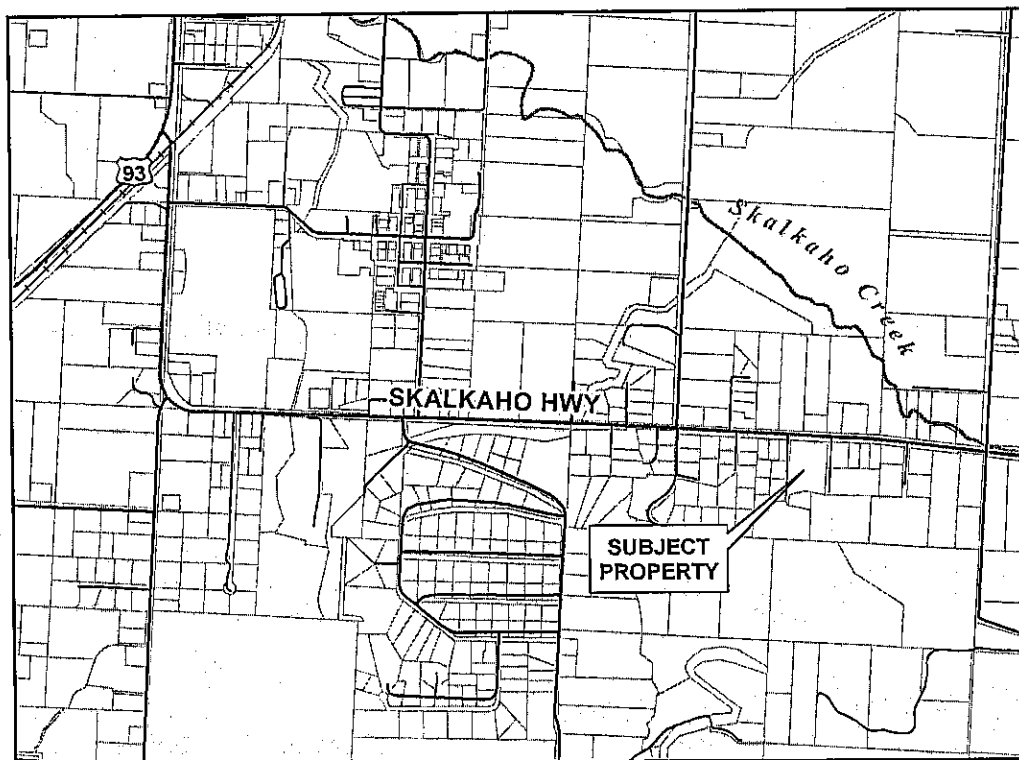
**PUBLIC HEARINGS/  
MEETINGS:**

RCPB Public Hearing:	February 1, 2006
Deadline for PB recommendation to BCC:	March 1, 2006
BCC Public Meeting:	Not yet scheduled
(Unless PB delays decision)	
Deadline for BCC action (35 working days):	March 23, 2006

**APPLICANT OWNER:** Ronald Williams Thomas  
822 Long Lane  
Hamilton, MT 59840

**REPRESENTATIVE:** Applebury Survey, 961-3267

**LOCATION OF REQUEST:** The property is located south of Hamilton off Skalkaho Highway.  
(See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Tract B of COS 5811 located in the N2 of Section 17, T5N, R20W,  
P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision and variance applications were determined sufficient  
on January 6, 2006. Agencies were notified of the subdivision and  
variances and comments received by the Planning Department are  
Exhibits A-1 through A-9.

**LEGAL NOTIFICATION:**

A legal advertisement was published in the Ravalli Republic on  
January 17, 2006. Notice of the project was posted on the property  
and property owners adjacent to the property were notified by  
certified mail postmarked January 12, 2006. No public comments  
have been received to date.

**DEVELOPMENT  
PATTERN:**

Subject property	Large lot residential
North	Large lot residential
South	Large lot residential and agriculture
East	Large lot residential
West	Large lot residential

## RAVALLI COUNTY PLANNING BOARD

FEBRUARY 1, 2005

### THOMAS SUBDIVISION

### FIVE-LOT MINOR SUBDIVISION AND THREE VARIANCE REQUESTS

#### **RECOMMENDED MOTIONS**

1. That the variance request from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow Thomas Court to meet two-lot local road standards instead of meeting minor local road standards, be **denied**, based on the findings of fact and conclusions of law in the staff report.
2. That the variance request from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow the portion of the unnamed road on Lot B1 to remain in its current condition instead of improving the road to meet minor local road standards, be **denied**, based on the findings of fact and conclusions of law in the staff report.
3. That the variance request from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow Long Lane to meet minor local road standards from Skalkaho Highway to Thomas Court, except for the cul-de-sac requirement and to allow no improvements to Long Lane from Thomas Court south to the southern boundary of the proposed subdivision, be **denied**, based on the findings of fact and conclusions of law in the staff report.
4. That the Thomas Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

#### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

***Notification of Road Maintenance.*** Ravalli County, the State of Montana, or any other governmental entity does not maintain Long Lane, Thomas Court, or the unnamed road traversing Lot B1 and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

***Limitation of Access onto Skalkaho Highway.*** A "no ingress/egress" restriction is located along the Skalkaho Highway frontage of the subdivision, which precludes vehicular access onto this state-maintained road. This limitation of access may be lifted or amended with approval of the County. (*Effects on Local Services*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

***Living with Wildlife.*** (See letter from FWP in application packet for the required provisions)  
(Effects on Wildlife and Wildlife Habitat)

***Waiver of Protest to Creation of RSID/SID.*** Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community waste water treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs.  
(Effects on Local Services)

***Building Standards.*** As a condition of approval recommended by the Hamilton Rural Fire District, the houses within this subdivision are required to be built to IRBC building standards. For more information, contact the Hamilton Rural Fire District and PO Box 1994, Hamilton, MT 59840. (Effects on Local Services)

***Required Posting of County-Issued Addresses for Lots within this Subdivision.*** The Hamilton Rural Fire District has adopted Fire Protection Standards which require the lot owners to post County-issued addresses at the intersection of the driveways leading to the primary residence and the road providing access to the lot as soon as construction on the residence begins. (Effects on Local Services & Effects on Public Health and Safety)

***Access Requirements for Lots within this Subdivision.*** The Hamilton Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information on the requirements of the Hamilton Rural Fire District. (Effects on Local Services & Effects on Public Health and Safety)

***Primary Heat Source.*** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. (Effects on Natural Environment)

***Control of Noxious Weeds.*** Lot owners shall control the growth of noxious weeds on their respective lot(s). (Effects on Natural Environment)

***Lighting for New Construction.*** Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. (Effects on Public Health & Safety)

***Radon Exposure.*** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. (Effects on Public Health and Safety)

**Amendment.** The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*
4. A homeowners' association shall be formed for this subdivision and the irrigation agreement filed with the final plat shall indicate that irrigation rights are to be transferred to the homeowners' association and then distributed in accordance with the irrigation plan. *(Effects on Agricultural Water User Facilities)*
5. A Master Irrigation Plan that meets the requirements of Section 3-2-15 of the Ravalli County Subdivision Regulations, which would include the plat-sized plan and the irrigation agreement, shall be submitted before final plat approval. *(Effects on Agricultural Water User Facilities)*
6. The final plat shall show a no ingress/egress zone along the Skalkaho Highway frontage of the subdivision. *(Effects on Local Services)*
7. The easement for Long Lane shall be labeled as a public road and utility easement. *(Effects on Local Services)*
8. The applicant shall submit a letter or receipt from the Hamilton School District stating that they have received a (amount to be determined by the Planning Board in consultation with the applicant) per lot contribution prior to final plat approval. *(Effects on Local Services)*
9. The developer shall submit a statement of approval of the water supply from the Hamilton Rural Fire District and documentation that a certified engineer with a commercially reasonable policy of errors and omissions insurance has verified that the pond provides a year-round water supply that can generate a flow of 500 gallons per minute for 120 minutes or provide evidence from the Fire District with the final plat submittal that a \$500 per lot contribution to the Fire District was made upon subdivision approval. *(Effects on Local Services & Public Health and Safety)*
10. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Public Health and Safety)*

## **INTRODUCTION**

Thomas Subdivision is a five-lot minor subdivision located south of Hamilton off Skalkaho Highway and Long Lane. There are existing homes on proposed Lots B1, B4, and B5 and all lots are proposed for single family residences. The average lot size is 2.00 acres and this development is located adjacent to an existing development of similar density.

In conjunction with the subdivision proposal, the applicant is requesting the following three variances:

1. For relief from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow Thomas Court to meet two-lot local road standards instead of meeting minor local road standards.
2. For relief from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow the portion of the unnamed road on Lot B1 to remain in its current condition instead of improving the road to meet minor local road standards.
3. For relief from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow Long Lane to meet minor local road standards from Skalkaho Highway to Thomas Court, except for the cul-de-sac requirement and to allow no improvements to Long Lane from Thomas Court south to the southern boundary of the proposed subdivision.

*Staff is recommending conditional approval of the subdivision and denial of all three variance requests.*

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA**

#### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### **Findings of Fact:**

1. The property is located off Skalkaho Highway approximately 2.00 miles southeast from the intersection of Highway 93 and Skalkaho Highway. There is a corridor of existing development along this portion of Skalkaho Highway.
2. The proposed subdivision of 9.85 acres will result in five lots that average 2.00 acres in size. There are three existing homes on the property and proposed Lots B2 and B3 appear to have been used for agriculture in the past.
3. The majority of Lots B4 and B5 may have a soil type identified by the Natural Resources Conservation Service as a Prime Farmland Soil. There are no soil types identified as Farmland of Statewide Importance.
4. This property is located adjacent to large parcels with agricultural uses. To mitigate impacts on surrounding agricultural practices, a notification of agriculture shall be included in the Notifications Document filed with the final plat. (Condition 1)

##### **Conclusions of Law:**

1. The proposed subdivision is located in an area of existing development. New housing adjacent to existing development may protect agricultural lands in areas that have not been developed.
2. While there may be a small amount of a Prime Farmland Soil type on Lots B4 and B5, both lots have existing residences and have not recently been used for agricultural purposes.
3. With the recommended mitigating condition, impacts of this subdivision on surrounding agricultural practices should be minimized.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### **Findings of Fact:**

1. The application states there are water rights associated with this property. The applicant is proposing to divide the nine inches from Skalkaho Creek among the proposed lots. There are existing irrigation ditches and easements along the perimeter of the proposed subdivision. A preliminary Master Irrigation Agreement and Plan are included in the application.
2. To mitigate impacts on agricultural water user facilities and to ensure compliance with state law (MCA 76-3-504(1)(i)), the irrigation agreement shall state that the water rights have been transferred to a homeowners' association and the homeowners' association documents shall be submitted as a condition of subdivision approval. (Condition 4)
3. Completion of irrigation infrastructure is a requirement of final plat approval. To ensure that the irrigation infrastructure is completed as proposed in the irrigation plan submitted with the preliminary plat application, a Master Irrigation Plan meeting the requirements of Section 3-2-15 of the Ravalli County Subdivision Regulations, which would include the plat-sized plan and the irrigation agreement, shall be submitted before final plat approval. (Condition 5)

##### **Conclusion of Law:**

With the requirements of final plat approval and the mitigating conditions, impacts of this subdivision on agricultural water user facilities will be minimized.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### **Findings of Fact:**

1. Skalkaho Highway, a state-maintained road, provides access to the subdivision. In a letter dated October 18, 2004, Glen Cameron, the Missoula District Traffic Engineer for the Montana

Department of Transportation (MDT) stated that all lots within the subdivision should access off the internal road, which is Long Lane, that Long Lane requires a new approach permit off the Highway because there is a change in use, and that the Long Lane approach be paved (Exhibit A-1).

2. Based on MDT's comments and to mitigate impacts on the local road system, the final plat shall show a no ingress/egress zone along the Skalkaho Highway frontage of the subdivision, excepting the MDT approved approach for Long Lane. A notification of this limitation of access shall be included in the Notifications Document (Conditions 1 and 6).
3. The Subdivision Regulations require that the applicant submit the original approach permit from MDT approving the change in use.
4. Long Lane is a privately-maintained road within a 60-foot wide private road and utility easement. The applicant is requesting a variance from improving Long Lane to meet minor local road standards. Instead the applicant is proposing to construct the portion of Long Lane from Skalkaho Highway to Thomas Court to meet minor local road standards, except that no cul-de-sac is proposed. From Thomas Court south to the southern boundary of the property, no improvements are proposed. Staff is recommending denial of the variance (Variance #3).
5. To mitigate impacts on local services and ensure public access, the easement for Long Lane shall be labeled as a public road and utility easement on the final plat (Condition 7).
6. Lot B1 has an existing house and driveway. The driveway diverges to the west from Long Lane and serves several other properties. Since the "driveway" serves several parcels, it is a road. The applicant is requesting a variance from the required road improvements (Variance #2). Staff is recommending denial of the variance request. Lot B2 will access directly off Long Lane.
7. Lots B4 and B5 have existing houses and a driveway. The driveway will be removed and Lot B4 will access off the portion of Long Lane the applicant is not proposing to improve. A new road constructed named Thomas Court is proposed to access both Lots B3 and B5. The applicants are requesting a variance from the requirement that Thomas Court meet minor local road standards and are instead proposing to construct the road to two-lot local road standards. Staff is recommending denial (Variance #1).
8. In an email dated January 25, 2006, the Road and Bridge Department stated that it does not support Variance #1, #2, or #3 (Exhibit A-6).
9. Grading and Drainage plans were submitted and reviewed by the Professional Engineering Advisor for the County (Exhibits A-4 and A-5). The Advisor had several recommendations, but found the plans to be adequate for subdivision review.
10. Installation of all infrastructure improvements is required to be completed prior to final plat approval, which includes construction of the roadways, construction of the storm water drainage facilities, and installation of the road name signs. Final plat requirements for this subdivision also include submittal of a road certification for all required road improvements, a final approach permit for Long Lane issued by MDT, and approved road name petitions for the unnamed road traversing Lot B1 and Thomas Court. If required, a General Discharge Permit for Stormwater Associated with Construction Activity from the Montana Department of Environmental Quality shall be submitted with the final plat application.
11. A preliminary Road Maintenance Agreement for Long Lane, Thomas Court, and the unnamed road across Lot B1 has been provided, which is required to be filed with the final plat. To mitigate impacts on local services, a notification of the road maintenance shall be filed with the final plat (Condition 1)
12. Individual wells and wastewater treatment systems are proposed for lots within this subdivision. (*Effects on Natural Environment*)
13. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
14. Bitterroot Disposal provides services to this site.



15. The applicants stated they will be making a contribution to the School District, but did not specify the amount. To mitigate impacts of the subdivision on the School District, the applicant shall contribute a definite amount (to be determined by the Planning Board in consultation with the applicant) per lot to the Hamilton School District. (Condition 8)
16. In a letter dated December 12, 2005 (Exhibit A-3), the Hamilton Rural Fire District requested the following:
  - (a) All roads and driveways leading directly into and within the subdivision (shall) be constructed to County standards without any variances, as outline(d) in our Fire Protection Standards, and
  - (b) All buildings are (to be) built to IRBC code

With denial of all three variances and mitigating conditions of subdivision approval that address the Fire District's recommendations, impacts on local services and public health and safety will be mitigated. (Conditions 2 & 9)

17. The Ravalli County Sheriff's Office provides law enforcement services to this area.
18. Adequate public services are available to the subdivision.

Conclusion of Law:

With the mitigating conditions of approval, requirements of final plat approval, and denial of the variances, impacts of the subdivision on local services will be minimized.

**CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT**

Findings of Fact:

1. Skalkaho Creek is located more than 1,000 feet to the north; therefore, no floodplain analysis was required.
2. Individual wells and wastewater treatment systems are proposed to serve the lots. A Certificate of Subdivision Plat Approval from the Montana Department of Environmental Quality has been provided and is required to be filed with the final plat.
3. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient (Condition 2).
4. An approved noxious weed and vegetation control plan is required to be filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, at least 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision (Condition 2).

Conclusion of Law:

Impacts from this subdivision on the natural environment will be minimized with the mitigating conditions and final plat requirements.

**CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT**

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range and there are no species of special concern listed in the vicinity of the property.
2. Montana Fish, Wildlife, and Parks requested that the living with wildlife provisions be included in the covenants (Condition 2 and application) to mitigate impacts on wildlife and wildlife

habitat.

Conclusion of Law:

With the condition of approval, the proposed subdivision will likely have a minimal impact on wildlife.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY**

Findings of Fact:

1. With denial of the variances, the recommended conditions, and the requirements of final plat approval, access to the subdivision will be adequate for public health and safety. (Conditions 1, 2, 3, 6, 7, and 10) (*Effects on Local Services*)
2. To mitigate impacts on public health and safety, the subdivider shall apply for County-issued addresses and a provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (Conditions 2 and 10)
3. The conditions that address the Florence Rural Fire District's recommendations will mitigate impacts on public health and safety. (Conditions 2 & 9) (*Effects on Local Services*)
4. The Ravalli County Sheriff's Office provides law enforcement services to this area.
5. Individual wells and septic systems are proposed for lots within this subdivision. (*Natural Environment*)
6. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
7. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants shall include a statement regarding radon exposure. (Condition 2)
8. Adequate public services are available to the subdivision.

Conclusion of Law:

With denial of the variances, the mitigating conditions, and the requirements of final plat approval, impacts of this subdivision on public health and safety will be minimized.

**COMPLIANCE WITH:**

**1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.**

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

**2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.**

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

### **3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS**

#### **Findings of Fact:**

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

#### **Conclusion of Law:**

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

### **CONSISTENCY WITH EXISTING ZONING AND COVENANTS**

#### **Findings of Fact:**

1. The property is not located within a zoning district.
2. There are no existing covenants on the property.

#### **Conclusion of Law:**

Zoning and existing covenants do not apply to this property.

### **PROVISION OF EASEMENTS FOR UTILITIES**

#### **Findings of Fact:**

1. The plat indicates existing utility easements are located along Skalkaho Highway and Long Lane. Utility easements are required to be shown on the final plat.
2. According to the application, the proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Telephone. Utility certificates are a requirement of final plat approval.

#### **Conclusion of Law:**

Utility services are available to the subdivision.

### **PROVISION OF LEGAL AND PHYSICAL ACCESS**

#### **Finding of Fact:**

Physical and legal access for this subdivision is proposed via Skalkaho Highway, Long Lane, Thomas Court, and the unnamed road traversing Lot B1. (*Local Services*)

#### **Conclusion of Law:**

With the requirements of final plat approval and action on the variance requests, the proposal meets physical and legal access requirements.

## **VARIANCE REPORT**

### **VARIANCE REQUEST #1**

The applicant has requested a variance from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow Thomas Court to meet two-lot local road standards instead of meeting minor local road standards.

### **Compliance with Review Criteria**

**A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

#### **Findings of Fact:**

1. Road standards were established in the Subdivision Regulations for the purpose of protecting the public health and safety and they require that the developers improve Thomas Court to meet the Road Standards for a minor local road because it could serve four lots.
2. The applicants are requesting a variance from this requirement and are instead proposing to construct Thomas Court to the two-lot local road standards, which include a 12-foot wide gravel travel surface and a hammerhead turnaround.
3. The Planning Department received letters from the Board of Health addressing concerns associated with the impacts of road dust on public health. (Exhibits A-7 and A-8)
4. In a letter dated December 12, 2005 (Exhibit A-3), the Hamilton Rural Fire District requested that all roads and driveways leading directly to and within the subdivision be constructed to County standards without any variances, as outlined in the Fire Protection Standards.
5. The Ravalli County Fire Council has indicated that the minimum travel surface width needed to ensure emergency access is 20 feet. The developer is proposing that Thomas Court be a 12-foot wide gravel road. (Exhibit A-9)
6. In an email dated January 25, 2006, the Road and Bridge Department stated that it does not support this variance from road improvement requirements.

#### **Conclusions of Law:**

1. With the granting of this variance, there will be additional dust pollution from this subdivision, which will affect public health and safety.
2. The Hamilton Rural Fire District and the Ravalli County Fire Council do not support this variance. The provision of emergency services to this subdivision will be negatively affected by the granting of this variance.
3. The Road and Bridge Department does not support this variance.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

#### **Finding of Fact:**

There are many situations in the County where paving is required on roads within subdivisions with existing homes.

#### **Conclusion of Law:**

The conditions upon which the variance is proposed are not unique to the property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Finding of Fact:

The property around the proposed Thomas Court is relatively level and the applicant has provided for a 60-foot wide easement.

Conclusion of Law:

There are no physical conditions such as topography or parcel shape preventing the applicant from meeting the road standards in the Subdivision Regulations.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. This property is not located in a zoning district.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 3:** Protect air quality.

**Countywide Policy 3.2:** Continue to minimize dust and other air pollution by appropriate subdivision regulation.

- The applicant is requesting a variance from paving Thomas Court and is instead proposing a gravel travel surface. Four lots could potentially access off Thomas Court in the future generating approximately 32 trips per day on the road.
- The Board of Health is concerned about the effects of dust from gravel roads on air quality (Exhibits A-7 and A-8).

**Countywide Goal 4:** Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

**Countywide Policy 4.5:** Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.

- Thomas Court has the potential to provide access to four lots within the subdivision. The Subdivision Regulations require the applicant to improve Thomas Court to meet minor local road standards.
- The applicant is proposing that Thomas Court be a 12-foot wide gravel road instead of a 20-foot wide paved road. Traffic on Thomas Court will generate dust pollution.
- The Hamilton Rural Fire Department and the Ravalli County Fire District do not support the variance request.

Conclusions of Law:

1. Zoning does not apply.
2. The proposal is not consistent with provisions in the Growth Policy.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. The Ravalli County Road Department has commented that they do not support variances from surfacing and surface width requirements.
2. The Hamilton Rural Fire Department does not support the variance which can affect public health and safety and the public costs associated with providing emergency services.

Conclusion of Law:

By granting this variance, there may be an increase to public costs for providing emergency services.

**VARIANCE REQUEST #2**

The applicant has requested a variance from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow the portion of the unnamed road on Lot B1 to remain in its current condition instead of improving it to meet minor local road standards.

**Compliance with Review Criteria**

**A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

Findings of Fact:

1. Road standards were established in the Subdivision Regulations for the purpose of protecting the public health and safety and they require that the developers improve the portion of the unnamed road on Lot B1 to meet the Road Standards for a minor local road because it could potentially serve four lots.
2. The applicants are requesting a variance from this requirement and are instead proposing no improvements.
3. The Planning Department received letters from the Board of Health addressing concerns associated with the impacts of road dust on public health. (Exhibits A-7 and A-8)
4. In a letter dated December 12, 2005 (Exhibit A-3), the Hamilton Rural Fire District requested that all roads and driveways leading directly to and within the subdivision be constructed to County Standards without any variances, as outlined in the Fire Protection Standards.
5. The Ravalli County Fire Council has indicated that the minimum travel surface width needed to ensure emergency access is 20 feet. The developer is not proposing any improvements to the approximately 12-foot wide gravel road on Lot B1. (Exhibit A-9)
6. In an email dated January 25, 2006, the Road and Bridge Department stated that it does not support this variance from road improvement requirements.

Conclusions of Law:

1. With the granting of this variance, there will be additional dust pollution from this subdivision, which will affect public health and safety.
2. The Hamilton Rural Fire District and the Ravalli County Fire Council do not support this variance. The provision of emergency services to this subdivision will be negatively affected by the granting of this variance.
3. The Road and Bridge Department does not support this variance.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Finding of Fact:

There are many situations in the County where paving is required on roads within subdivisions with existing homes.

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Findings of Fact:

1. The property around the unnamed road is relatively level.
2. From the 2004 Aerial Photograph, it appears the applicant may have difficulty providing for a 60-foot wide easement because of the location of existing infrastructure.

Conclusions of Law:

1. The applicant may not be able to provide a 60-foot wide easement, but this condition results from the construction of the land's current or previous owner.
2. There are no other physical conditions such as topography or parcel shape preventing the applicant from meeting the road standards in the Subdivision Regulations.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. This property is not located in a zoning district.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 3:** Protect air quality.

**Countywide Policy 3.2:** Continue to minimize dust and other air pollution by appropriate subdivision regulation.

- The applicant is requesting a variance from paving the unnamed road on Lot B1 and is instead proposing no improvements to the existing gravel travel surface.
- The Board of Health is concerned about the effects of dust from gravel roads on air quality (Exhibits A-7 and A-8).

**Countywide Goal 4:** Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

**Countywide Policy 4.4:** Improve and maintain existing infrastructure and public services.

**Countywide Policy 4.5:** Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.

- The unnamed road on Lot B1 is an existing road that serves four lots total, including Lot B1 within the proposed subdivision. The Subdivision Regulations require that this road is improved to meet minor local road standards.

- The applicant is proposing no improvements or mitigation. Dust has been generated on this road and will continue to negatively affect air quality into the future.
- The Hamilton Rural Fire Department and the Ravalli County Fire District do not support the variance request.

Conclusions of Law:

1. Zoning does not apply.
2. The proposal is not consistent with provisions in the Growth Policy.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. The Ravalli County Road Department has commented that they do not support variances from surfacing and surface width requirements.
2. The Hamilton Rural Fire Department does not support the variance which can affect public health and safety and the public costs associated with providing emergency services.

Conclusion of Law:

By granting this variance, there may be an increase to public costs for providing emergency services.

**VARIANCE REQUEST #3**

The applicant has requested a variance from Sections 5-4-5(a) and (b)(2) of the Ravalli County Subdivision Regulations, to allow Long Lane to meet minor local road standards from Skalkaho Highway to Thomas Court, except for the cul-de-sac requirement and to allow no improvements to the portion of Long Lane from Thomas Court south to the southern boundary of the proposed subdivision. Staff finds that the request meets none of the five variance review criteria.

**Compliance with Review Criteria**

**A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

Findings of Fact:

1. Road standards were established in the Subdivision Regulations for the purpose of protecting the public health and safety and they require that the developer improve Long Lane from Skalkaho Highway to the southern boundary of the property to meet the Road Standards for a minor local road.
2. The applicants are requesting a variance from this requirement and are instead proposing to construct Long Lane to meet minor local road standards from the intersection with Skalkaho Highway to the intersection with Thomas Court, except that the cul-de-sac requirement will not be met. The applicant is not proposing a cul-de-sac or any other type of turnaround on Long Lane. No improvements are proposed on the portion of Long Lane from Thomas Court south to the southern boundary of the property, which is currently a 12-foot wide gravel road.
3. Lot B2 is proposed to access directly off the improved portion of Long Lane. Lot B4 currently accesses and is proposed to access off the southern end of Long Lane where no improvements are proposed to the road.
4. The Planning Department received letters from the Board of Health addressing concerns associated with the impacts of road dust on public health. (Exhibits A-7 and A-8)



5. In a letter dated December 12, 2005 (Exhibit A-3), the Hamilton Rural Fire District requested that all roads and driveways leading directly to and within the subdivision be constructed to County standards without any variances, as outlined in the Fire Protection Standards.
6. The Ravalli County Fire Council has indicated that the minimum travel surface width needed to ensure emergency access is 20 feet. The developer is proposing that Long Lane remain in its current condition with a 12-foot wide gravel road from Thomas Court south to the southern boundary of the property. (Exhibit A-9)
7. In an email dated January 25, 2006, the Road and Bridge Department stated that it does not support this variance from road improvement requirements.

Conclusions of Law:

1. With the granting of this variance, there will be additional dust pollution from this subdivision, which will affect public health and safety.
2. The Hamilton Rural Fire District and the Ravalli County Fire Council do not support this variance and there is no turnaround proposed on Long Lane for emergency vehicles. The provision of emergency services to this subdivision will be negatively affected by the granting of this variance.
3. The Road and Bridge Department does not support this variance.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Finding of Fact:

There are many situations in the County where paving and improvements are required on roads within subdivisions with existing homes.

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Finding of Fact:

The property around Long Lane is relatively level and the applicant has provided for a 60-foot wide easement.

Conclusion of Law:

There are no physical conditions such as topography or parcel shape preventing the applicant from meeting the road standards in the Subdivision Regulations.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. This property is not located in a zoning district.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 3: Protect air quality.**

**Countywide Policy 3.2:** Continue to minimize dust and other air pollution by appropriate subdivision regulation.

- The applicant is requesting a variance from paving the portion of Long Lane from Thomas Court south to the southern boundary of the property and is instead proposing that the road remain a gravel travel surface. From the 2004 Aerial Photograph, it appears seven total lots, including Lots B1 and B4 within the subdivision will access off this portion of Long Lane. This traffic will continue to generate dust from the dirt road.
- The Board of Health is concerned about the effects of dust from gravel roads on air quality (Exhibits A-7 and A-8).

**Countywide Goal 4:** Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

**Countywide Policy 4.4:** Improve and maintain existing infrastructure and public services.

**Countywide Policy 4.5:** Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.

- From the 2004 Aerial Photograph, it appears that Long Lane currently serves ten homes. With the proposed subdivision, Long Lane will serve two additional homes, for a total of twelve homes. The Subdivision Regulations require that this road is improved to meet minor local road standards.
- The applicant is proposing to improve a portion of the road, but from Thomas Court south to the southern boundary of the property, no improvements are proposed. Lots B1 and B4 are proposed to access off the unimproved portion of Long Lane
- The Ravalli County Road and Bridge Department, Hamilton Rural Fire Department, and the Ravalli County Fire District do not support the variance request.

Conclusions of Law:

Zoning does not apply.

The proposal is not consistent with provisions in the Growth Policy.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. The Ravalli County Road Department has commented that they do not support variances from surfacing and surface width requirements.
2. The Hamilton Rural Fire Department does not support the variance which can affect public health and safety and the public costs associated with providing emergency services.
3. The applicant is not proposing any type of turnaround on Long Lane.

Conclusion of Law:

By granting this variance, there may be an increase to public costs for providing emergency services.



October 18, 2004

Terry Nelson  
Applebury Survey  
914 Hwy 93  
Victor, MT 59875

RECEIVED

OCT 20 2004

Ravalli Co. Planning Office

TC-04-10 1734

Subject: Proposed Subdivisions – Ravalli County

Terry, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed subdivisions in Ravalli County. MDT is concerned with current and future access to both Highway 93 and the East Side Highway. The subdivisions should be designed to create a minimal amount of access points to the highway and should not create conflict with existing access points.

**Adams Lots**

MDT has no concerns or comments with the proposed subdivision on Trails End Road off of Bowman Road.

**Harts Subdivision**

MDT has no concerns or comments with the proposed subdivision located off of Three Mile Creek Road.

**Thomas Subdivision**

All additional lots should be designed to access the existing road, Long Lane. An approach permit will have to be approved by the MDT for the change in use of Long Lane. We would request this road be paved from the edge of the highway to the right of way, if it is not currently.

**Boardwalk II, Perkins Subdivision & Krosh Lots**

We cannot tell from the attached map if there is an existing approach for these subdivisions or if new access is going to be required. An approach permit will have to be approved by the MDT for a change in use of an existing access or for any new access. We would again request the roads be paved from the edge of the highway to the right of way.

Please contact Gary Hornseth in this office for the approach applications. Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen W. Cameron  
Missoula District Traffic Engineer

copies: Loran Frazier, Missoula District Administrator  
Doug Moeller, Missoula Area Maintenance Chief  
Gary Hornseth, Missoula Maintenance Superintendent  
Ravalli County Planning, 215 South 4<sup>th</sup> Street; Suite F, Hamilton, MT 59840



Montana Department of  
**ENVIRONMENTAL QUALITY**

R  
EXHIBIT A-2  
JUN 06 2005  
IC-05-06-1085  
Ravalli County Planning Dept.

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov  
June 2, 2005

Ronald M Uemura, PE  
Ram Engineering  
PO Box 2130  
Hamilton MT 59840

RE: Thomas Subdivision Rewrite  
Ravalli County  
E.Q. #05-2856

Dear Mr Uemura:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

*Raymond Lazuk*  
Raymond Lazuk, Supervisor  
Subdivision Review Section

RL/ML

cc: County Sanitarian  
County Planning Board ✓

STATE OF MONTANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
CERTIFICATE OF SUBDIVISION APPROVAL  
(Section 76-4-101 et seq., MCA)

To: County Clerk and Recorder  
Ravalli County  
Hamilton, Montana

E.Q. #05-2856

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as: Thomas Subdivision, Rewrite

FOR LEGAL DESCRIPTION, SEE ATTACHED "EXHIBIT A"

consisting of five (5) Parcels have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Certificate of Survey is made with the understanding that the following conditions shall be met:

THAT the Parcel sizes as indicated on the Certificate of Survey to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each Parcel shall be used for one single-family dwelling, and,

THAT the individual water systems for Parcels B2 and B3 will each consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT data provided indicates an acceptable water source at a depth of approximately 100 feet, and,

THAT the individual sewage treatment systems for Parcels B2 and B3 will each consist of a septic tank with effluent filter and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT each subsurface drainfield for Parcels B2 and B3 shall have an absorption area of sufficient size to provide a maximum application rate of 0.6 gallons per day per square foot, and,

THAT when the existing water supply systems for Parcels B1, B4, and B5 are in need of extensive repairs or replacement they shall each be replaced by a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36,

Thomas Subdivision, Rewrite  
Subdivision Approval Page 2 of 3  
E. Q. # 05-2856  
Ravalli County

Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT when the present sewage treatment systems for Parcels B1, B4, and B5 are in need of extensive repairs or replacement they shall each be replaced by a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

That the bottom of the drainfield shall be at least four feet above the water table, and

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100-year flood of a stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply systems, sewage treatment systems, and storm drainage systems will be located as shown on the approved plans, and,

THAT the water supply, wastewater treatment and storm drainage system must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Certificate of Survey, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

THAT this approval statement supercedes prior approval statement #03-1095 dated June 13, 2003.

Pursuant to Section 76-4-122(2)(a), MCA, a person must obtain approval of both the State under Title 76, Chapter 4, MCA, and local board of health under Section 50-2-116(1)(i) before filing a subdivision plat with the county clerk and recorder.

Thomas Subdivision, Rewrite  
Subdivision Approval Page 3 of 3  
E.Q. # 05-2856  
Ravalli County

YOU ARE REQUESTED to record this certificate by attaching it to the Certificate of Survey of said subdivision filed in your office as required by law.

DATED this 16th day of May, 2005.

RAVALLI COUNTY HEALTH OFFICER

RICHARD OPPER, DIRECTOR

By: Morgan T. Farrell  
Morgan T. Farrell, R.S.  
Ravalli County Environmental Health  
215 South 4<sup>th</sup> St. - Suite D  
Hamilton, Montana 59840

By: Raymond Lazuk  
For Raymond Lazuk, Supervisor  
Subdivision Review Section  
Permitting and Compliance Division  
Department of Environmental Quality

Owner's Name: Ronald W. Thomas





DEC 14 2005

Ravalli County Planning Dept.

1C-05-12-2216

# Hamilton Rural Fire DISTRICT

Post Office Box 1994 Hamilton, MT 59840

December 12, 2005

Terry Nelson  
Applebury Survey  
914 Hwy 93  
Victor, MT 59875

Ravalli County Planning Department  
215 S. 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

**RE: Agency comment on Thomas Subdivision Review: Driveway Variances**

The Hamilton Rural Fire District and the City of Hamilton Fire Chief have reviewed the subdivision proposal, based on new information received as of November 23, 2005, in regards to the impact of the subdivision on the District's ability to provide services.

In order to mitigate the impact of the subdivision on the Hamilton Rural Fire District's ability to provide fire protection, the District requests that:

- 1) All roads and driveways leading directly into and within the subdivision be constructed to **County standards without any variances**, as outline in our Fire Protection Standards, and
- 2) All buildings are built to IRBC code.

If the subdivision is designed to the Fire Protection Standards of the Hamilton Rural Fire District we find no negative effects to the provision of adequate fire service protection to the subdivision.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are other variances, if the information provided is incomplete in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,



Lisa Wade  
Secretary

**Renee Van Hoven**

---

**From:** Ryan Salisbury [RSalisbury@wgmgroup.com]  
**Sent:** Wednesday, January 18, 2006 8:28 AM  
**To:** Renee Van Hoven  
**Subject:** Thomas Minor Subdivision

Renee,

I was looking at the Thomas Minor subdivision and have some questions. If you are not the case planner, can you forward this on to the appropriate person for me? Thanks.

- 1) Is the planning staff okay with Thomas Court being a 2 lot local roadway and not paved? It seems as though the regulations state that if it is a 5 lot subdivision, the roads must be paved. The regulations don't distinguish between 5 lot subdivisions where all the lots are new and 5 lot subdivisions where 3 homes already exist.
- 2) I guess I am not clear on what the variances are for. It appears that they are requesting a variance from a full 60 foot right of way. Is that correct? If so, what is the planning office's thoughts on this issue?
- 3) I just want to make sure that this subdivision is being review under the old Ravalli County regulations as stated in memo from Ben Howell, dated Nov. 1, 2005. It is hard for me to tell from some of the letters from Applebury, and I just want to make sure.
- 4) I also am a bit confused by the letter that is from Denis Applebury, dated October 13th, 2005 to Pat O'Herren.

Thank you for your help. I should be around the office today until about 3:30 pm is someone has a chance to give me a call.

**Ryan Salisbury, P.E.**

**WGM Group, Inc.**

3021 Palmer  
P.O. Box 16027  
Missoula, MT 59808-6027  
Tele: (406) 728-4611  
Fax: (406) 728-2476  
Email: RSalisbury@WGMGroup.com

January 23, 2006

Ravalli County Road & Bridge Department  
Attn: David Ohnstad  
244 Fairgrounds Road  
Hamilton, MT 59840

Post-it® Fax Note	7671	Date	1/24/06	# of pages	2
To	Terry	From	Kenec		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	961-3567	Fax #			

RE: Thomas Minor Preliminary Plat

Dear David:

On behalf of the Ravalli County Road and Bridge Department, we have completed our preliminary review of the drainage report and street improvement plans as submitted to our office for the above-referenced project. Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted (1/6/05). This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports.

Based on our review we have the following comments:

**Roadways**

- 1) The Thomas subdivision is being submitted as a 5 lot subdivision. According to page 5-10, 5-4-5 *Road Standards* (2), all roads within the subdivision shall be paved. The plans propose a graveled roadway on Thomas Court.
- 2) The typical roadway sections shown on the Site Plan by RAM Engineering shows a 6" deep roadside ditch. It is recommended that the road side ditch be deep enough to prevent storm water from being able to saturate the base and subbase layers of the new asphalt roadway. A depth of 12 to 18 inches and a 4:1 slope is recommended as shown on the typical road section shown on page 5-12.
- 3) The intersection improvements at Long Lane and the Skalkaho Highway should be reviewed and approved by the Montana Department of Transportation. At this intersection and the intersection of Thomas Court and Long Lane, it is recommended that all of the 20 foot radii at the intersections be increased to 25 feet as recommended by AASHTO on page 401. This will help larger vehicles and vehicles with trailers navigate the corners. The Ravalli County roadway regulations do not specifically address radius returns.

**Storm Drainage**

- 1) The Ravalli County Road Department views culverts as a standard practice for road construction on roadways within Ravalli County. Culverts and a roadside ditch next to Long Lane and Thomas Court would help convey water and avoid water ponding at driveway crossings.
- 2) On the plans, please show the existing concrete storm drainage pipe that runs under the Skalkaho Highway on the north side of Long Lane to help clarify the storm water travel path.
- 3) Please clarify on the Site Plan that the existing 24" culvert under Long Lane is an irrigation culvert.

If you have questions regarding this review please contact our office.

Sincerely,  
WGM Group, Inc.

Ryan J. Salisbury, P.E.  
Design Engineer

cc: Ron Uemura, RAM Engineering  
Benjamin Howell, Ravalli County Planning Department

Ben Howell

---

**From:** David Ohnstad  
**Sent:** Wednesday, January 25, 2006 2:11 PM  
**To:** Ben Howell  
**Subject:** thomas minor subdivision

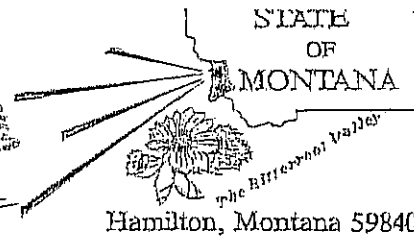
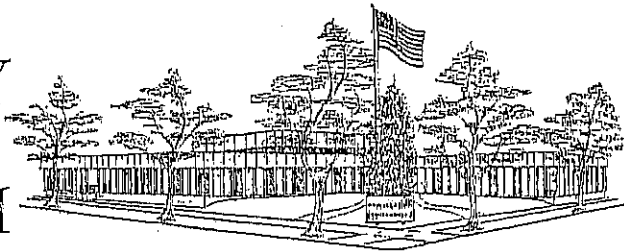
Ben -

Regarding the Request for Agency Comment on Thomas Minor Subdivision (01/10/06); Variance Requests 1, 2 and 3 - the Road & Bridge Department **does not support** variance from the road improvement requirements of the subdivision regulations.

David

*David H. Ohnstad  
County Road Supervisor  
Ravalli County, Montana  
(406) 363 - 2733*

COUNTY  
OF  
RAVALLI



Hamilton, Montana 59840

IC-04-06-P76

Ravalli Co. Planning Office

RAVALLI COUNTY BOARD OF HEALTH

215 S. 4<sup>th</sup> Street, Suite A  
Hamilton, MT. 59840

JUN 23 2004

RECEIVED

June 23, 2004

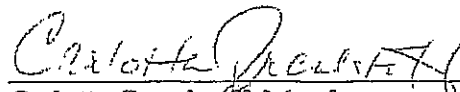
Road Standards Committee  
C/O Ravalli County Planning Department

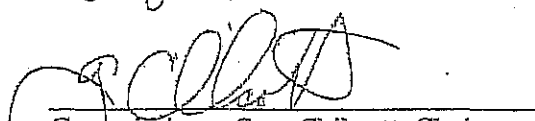
RE: Board of Health's Concerns for Road Standards

The Board of Health met in regular session on this date of June 23, 2004. In a discussion of air quality and roads, the Board of Health unanimously agreed that air quality and road safety are of paramount concern in the development of any road standards.

For the Board of Health:

  
Roger DeHaan, Member

  
Carlotta Grandstaff, Member

  
Commissioner Greg Chilcott, Chairman

## EXHIBIT A-8

Memo to: Ravalli County Commissioners  
From: Ravalli County Health Board  
Re: Proposed new County road regulations  
Date: April 4, 2005

Various research studies show a strong link between air borne dust particulates and human health problems, including emphysema, asthma and others. For further details, please see the article (and 72 referenced articles) from the American Academy of Pediatrics, 2004, "Ambient Air Pollution: Health Hazards to Children."

In Ravalli County, even though there is limited air monitoring we are able to do, it is clear that sometimes we have excessive particulate matter (mainly road dust) in our air. Additionally, citizens often complain to County and State agencies about specific road dust problems in certain areas.

Because of this, the Health Board strongly urges the Commissioners to include mandatory dust control measures in any road regulations for the County.

All new roads, including those in subdivisions, should be paved, or treated with dust suppressant such as magnesium chloride, at the time of construction. If the magnesium chloride option is chosen, which requires reapplication every other year, owners must provide sufficient bonding or financial guarantee to insure that the work will be done for an extended period such as 20 or 30 years.

For existing roads owned by the County, we recommend that the very first budget priority be to apply dust palliative on all roads. This means that ALL County roads should have a graded magnesium chloride surface before any road is given additional budget allocation for widening, paving etc.

We believe that these measures, if implemented, will significantly help the health condition of all citizens of Ravalli County.

Thank you for considering and including these provisions in the new road regulations.

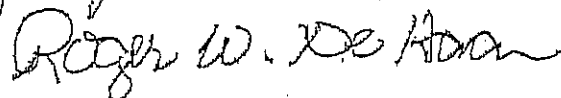
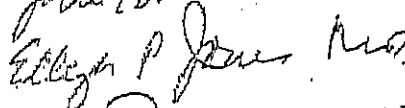
Respectfully submitted by the Ravalli County Health Board:

Mr. Greg Chilcott, Ravalli County Commissioner

Dr. John Swanson, M.D.

Dr. Elynn Jones, M.D.

Mr. Roger W. De Haan, P.E.



Ravalli Co. Planning Board

Attn: Ravalli County Commissioners  
From: Ravalli County Fire Council  
Re: Access standards for Ravalli County  
Date: 03-31-05

Fm J.A.K.  
6:30pm

After careful consideration the Ravalli County Fire Council with all fire districts present have come to common ground on the issues affecting emergency services access in regards to the proposed ASHTO road standards.

Factors that we considered were the safety of our personnel, the capabilities of our emergency services equipment including EMS, and the reality that we live in a mountainous area where access is a challenge.

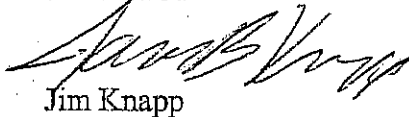
NFPA 1 gives the responsibility for setting the road grade to the agency having jurisdiction. That agency, being the Fire Department or Fire District, has an obligation to its taxpayers to request that the County Commissioners follow our recommendation for access requirements. Our recommendation is based on the maximum grade we feel we can service with the minimum risk possible taking into account our mountainous terrain.

Road Grade: The Ravalli County Fire Council respectfully requests that the maximum road grade for Ravalli County be set at 10%. This complies with the International Fire Code which is already being used in part in the state of Montana. In addition, we would also request that parcels previously divided be subject to the same access standard through the septic permit process. This will ensure that all new roads allow for adequate public safety.

Road Width: The Ravalli County Fire Council respectfully requests that all access roads have a full 20 foot travel surface. An 18 foot travel surface with 1 foot shoulders is not adequate for our equipment.

In closing please note that these requests are neither for nor against development. Our position is based solely on the safety of our personnel and the safety of the citizens of Ravalli County.

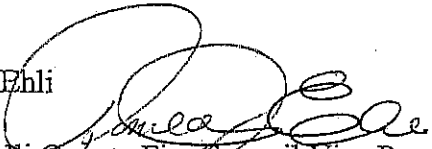
Thank You



Jim Knapp

Ravalli County Fire Council President and Ravalli County Fire Warden

Ron Ehli



Ravalli County Fire Council Vice President